IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 6802 of 2007(I)

PETITIONERS:
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1. BIJU S.,
THOTTATHUVILAKATHU VEEDU, BALARAMAPURAM,
THIRUVANANTHAPURAM.

2. HARIHARAN,
P.V. HOUSE, NEDIYAVILA JN., URIAKODE,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY THE SECRETARY, SOCIAL WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE MANAGING DIRECTOR,
KERALA WATER AUTHORITY, THIRUVANANTHAPURAM.

R1 BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.
R2 BY SRI.C.UNNIKRISHNAN SC, KWA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.6802 OF 2007-I.

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Dated this the 20th day of March, 2007.

J U D G M E N T

The 1st petitioner was appointed as Operator and the 2nd petitioner as Lower Division Typist in the service of the Kerala Water Authority of which the 2nd respondent is the Managing Director. The appointment was through the Employment Exchange for a maximum period of 179 days. The appointment took effect in between 15-8-1998 and 15-8-1999. But the petitioners could not complete the full period of 179 days within the aforesaid period. Since the period of 179 days of service crossed the last date of the aforesaid period, namely, 15-8-1999, the benefit of the Government order directing reinstatement of those who are in the provisional service during the above period, was not extended to the petitioners.

2. It was thought that unless the whole period of 179 days is completed during the period 15-8-1998 and 15-8-1999, the benefit of the Government orders cannot

be granted to the petitioners.

3. Counsel for the petitioners has brought to my notice the judgment of the Division Bench of this Court in WA.No.1601/2006. He submits that in view of the decision taken by the Division Bench, the petitioners are entitled to succeed.

4. It is seen that the Division Bench is of the view that even if the temporary service of a physically challenged employee extends beyond 15-8-1999, they are entitled to the benefit of the Government orders which guarantee reinstatement in service and regularisation of service provided the initial appointment is in between 15-8-1998 and 15-8-1999.

5. I have heard the Government Pleader for the 1st respondent and the Standing Counsel for the 2nd respondent Water Authority.

6. In the light of the aforesaid judgment of the Division Bench, the petitioners are entitled to the reliefs prayed for, in this writ petition. Hence there shall be a declaration that the petitioners are entitled to be reinstated as Operator and L.D. Typist

respectively and to be regularised in services in terms of Ext.P4 proceedings and the Government order - GO(P) No.33/05/SWD dated 5-3-2005. Orders reinstating the petitioners shall be passed within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-